

## **REMARKS**

In response to the rejection set forth in paragraph 4 regarding claims 1-15, 20-21 and 34 under 35 USC § 112 second paragraph, Applicant has amended the claims to provide the appropriate consistency in the language. Accordingly, it is respectfully submitted that these objections are no longer applicable.

With regard to the objection in paragraph 6 that claims 1-35 and 37-39 are rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter, the claims have been amended to specifically set forth that the method is utilized by using a software program running on a computer. Accordingly, there is tangible means for executing the method. With regard to the dependent claims, it is respectfully submitted that the dependent claims are appropriate as they now depend on appropriately defined independent claims.

The Examiner in paragraph 8 rejected claims 1-3, 5, 8, 12 and 37-39 under 35 USC § 102(a) as being anticipated by King et al. for the reasons set forth therein.

The independent claims in the present invention are directed to method system software product for organizing a plurality of digital images into a particular page format in a simple and in an aesthetically pleasing manner. Not only is it important to have the images appropriately positioned on a page, it is also important to provide an appropriate look so that the images being viewed on the page provide an aesthetically pleasing presentation. The independent claims as currently set forth include the limitation of grouping a plurality of digital images into a plurality of different page layouts each capable of being printed. The claims also include the limitation that different page layouts are analyzed in accordance with respect to the amount of white space in each of the plurality of page layouts and the white space is spatially balanced between the plurality of images on any page and/or any image placeholder that may be present. In the present invention it is important to provide an appropriate amount of white space such that the digital images fill up the desired amount of printable page. However, by simply reducing the amount of space or white space between the images is not sufficient. It is also important that the space between the images be

provided such that an appropriate spatial balance is provided between the plurality of different digital images and any image placeholder. The prior art fails to teach or suggest the present invention.

In particular U.S. Patent 5,956,736 to King is simply directed to a method of fitting content element on a page. White space, as used in the King et al. reference, is simply one of the content elements. See column 40, lines 55-58. Thus, the scaling of the white space therein is just simply scaling the white space between content sections. White space in the King et al. reference is only that white portion that exists after the images have been laid out. It does not use white space as a criteria for determining the acceptability of a page layout. The scalability of the white space is zero, it just simply means that there will be no spaces between the content section. This is in contrast to the present invention where the space between the digital images is used to provide aesthetically pleasing layout of various different images. In addition, the present invention sets forth the spatial balancing of the space between the plurality of different digital images. Applicant respectfully submit that this is not taught or suggested by King et al.

The spatial balance in the present invention is an important aspect as it plays an important factor in the overall appearance. An example as to the importance is illustrated by the drawings. In particular, see the difference between figures 11 and 12 as more fully described on page 12, lines 3-16. As can be seen by spatially balancing the image position on the page layout, a more aesthetically pleasing product may be provided. In the present invention it is not important that as many images can be squeezed on a page, what is important in the present invention is that the images are selected for placement on a page so as to provide a product that not only accomplishes providing an appropriate sized image, but does so in an aesthetically pleasing manner. The King reference does not teach or suggest the spatially balancing the white space as taught and claimed by Applicant.

One of the primary objects of King is to provide a layout within the prescribed print format. Thus, having an image outside the print format is not a printable page of a type to which the present invention is directed. In the present invention, each page layout is capable of being printed so as to include all the image components on a page and not merely portions thereof. Accordingly,

Applicant respectfully submit that it would not have been obvious to print the entire page layout of King as this is contrary to the object of the King reference. The King reference is trying to fit all of the individual components within a prescribed layout. Until such is achieved, the printing of page in it's entirety would not be appropriate or desirable. Accordingly, it is respectfully submitted that the King reference would not teach or suggest the present invention.

Furthermore, the independent claims teach providing of an image placeholder, background or predefined area that is used in conjunction with the digital images. These items provide more aesthetically pleasing features not taught or suggested by the cited prior art. There is no teaching or suggestion of identifying a digital image placeholder, background or predefined area as taught and claimed, thus, providing an additional basis for patentability

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.